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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,778	03/03/2004	Pierre Cornilleau	0513-1099	3225
466	7590	06/02/2006	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			ING, MATTHEW W	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,778

Applicant(s)

CORNILLEAU, PIERRE

Examiner

Matthew W. Ing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3 March 2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 30 January 2002. It is noted, however, that applicant has not filed a certified copy of the #0201090 application as required by 35 U.S.C. 119(b).

2. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in France on 30 January 2002. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

Information Disclosure Statement

3. The information disclosure statement filed on 3/3/2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

4. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

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In particular, the drawings fail to illustrate how the bolt (59) slides along the groove (58); and the relationship between such movement and the process of folding or unfolding the tennis tables (1, 2).

5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the manner in which the end (73a) of the cover constitutes means for fixing the housing (64) via its lid (69) as described in page 9, lines 29-31 of the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The abstract of the disclosure is objected to because of the inclusion of legal phraseology, specifically the words "said" (page 14, lines 12 and 17); "means" (lines 11 and 14); and invention (line 13). Correction is required. See MPEP § 608.01(b).

7. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

8. The disclosure is objected to because of the following informalities: the inclusion of the word "groves", in a context that indicates that the proper term is "grooves".

Appropriate correction is required.

9. The disclosure and the abstract of the disclosure are objected to because of the following informalities: The use of the word "deformable", in a manner that is at odds with its accepted definition. See page 2, lines 23 and 30; page 5, lines 4 and 31; page 7, line 6; page 8, line 26; and page 14, lines 7 and 13. The examiner points out that, in common usage, the word "deform" implies not only a change in shape as a result of pressure or stress, but also that said change in shape detracts from the proper appearance and/or functionality of the object, material, or structure in question. In the case of the disclosed invention, however, "deformable" seems to refer merely to a change in shape. Appropriate correction is required. The examiner suggests substituting "foldable" for "deformable" in all cases.

Claim Objections

10. Claims 1 and 2 are objected to because of the following informalities: the use of the word “deformable”, in a manner that is at odds with its accepted definition. The examiner points out that, in common usage, the word “deform” implies not only a change in shape as a result of pressure or stress, but also that said change in shape detracts from the proper appearance and/or functionality of the object, material, or structure in question. In the case of the claimed invention, however, “deformable” seems to refer merely to a change in shape. Appropriate correction is required. The examiner suggests substituting “foldable” for “deformable” in both claims.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. The term "close to" in Claim 1 is a relative term which renders the claim indefinite. The term "close to" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The inclusion of this relative term renders indefinite the limitation “wherein the deformable structure includes abutment means that engage when its configuration comes close to a configuration corresponding to a locked state” (page 11, lines 11-14).

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14. The term "close both to" in Claim 2 is a relative term which renders the claim indefinite.

The term "close both to" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The inclusion of this relative term renders indefinite the limitation "wherein the abutment means are arranged to engage when the configuration of the deformable structure comes close both to its folded state and to its unfolded state" (page 11, lines 17-20).

15. Claims 1-2 fail to recite sufficient structural elements and interconnection of the elements to positively position and define the "abutment means" so that an integral structure able to function as claimed is recited.

16. Regarding Claim 3, the phrase "above-mentioned states" (page 11, line 33) renders the claim indefinite, since the text of the claim fails to indicate whether the word "states" refers to locked and unlocked states, or folded and unfolded states. For the purposes of examination, the examiner is interpreting this phrase to refer to folded and unfolded states.

17. Regarding Claim 4, the phrase "other state" (page 12, lines 5-6) renders the claim indefinite, since the text of the claim fails to indicate whether the word "state" referred refers to a locked state, an unlocked state, a folded state, or an unfolded state. For the purposes of examination, the examiner is interpreting this phrase to refer to folded and unfolded states.

18. Claim 4 also recites the limitation "beside the other catch" in page 12, lines 7 and 8. There is insufficient antecedent basis for this limitation in the claim.

19. Regarding Claim 6, the word "means" (page 12, line 20) renders the claim indefinite, since the text of the claim fails to indicate whether the word "means" refers to "locking means"

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(page 12, line 17), “abutment means” (page 12, line 18), “means for actuating” (lines 18-19), or “resilient return means” (line 19). For the purposes of examination, the examiner is interpreting this word to refer to “means for actuating”.

20. Claim 6 also recites the limitation "resilient return means" in page 12, line 19. There is insufficient antecedent basis for this limitation in the claim.

21. The term "in the vicinity of" in Claim 6 is a relative term which renders the claim indefinite. The term "in the vicinity of" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The inclusion of this relative term renders indefinite the limitation “said means comprising...pull means for applying traction to said link and extending to the vicinity of the outside end of the table top” (page 12, lines 22-24).

22. Regarding Claim 8, the word “racks” (page 13, line 2) renders the claim indefinite, since the text of the claim fails to indicate whether this word refers to the racks identified as Items 62a and 62b in Figure 8, or those corresponding to Items 67 and 68 in the same figure.

23. Claims 5, 7, 9, and 10 are considered indefinite because they depend from indefinite base claims.

Claim Rejections - 35 USC § 102

24. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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25. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Mueller (4,027,600). Mueller teaches a folding table comprising a support (20), two table tops (11, 12) that are movable relative to the support between a horizontal position (see Figure 1) and a vertical position (see Figure 7), each table top co-operating with the support to form a structure of configuration that is reversibly deformable between an unfolded state corresponding to the horizontal position of the table top and a folded state corresponding to the vertical position of the table top, which structure includes retractable locking means (56, 62) to lock it in at least one of said two states, wherein the deformable structure includes abutment means (56, 77) that engage when its configuration comes close to a configuration corresponding to a locked state, thereby opposing reversibility in said configuration (see Figure 2).

Allowable Subject Matter

26. Claims 2-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blink (4,120,249) and Carlson (4,133,271) teach a structure comprising two table tops that can be moved between horizontal and vertical positions; vertical supports; a retractable locking means; and an abutment means that engages when the configuration of the structure comes close to a configuration corresponding to a locked state. Cornilleau (FR 2,729,302) teaches a folding table-tennis table comprising two table tops that can be moved between horizontal and vertical positions; vertical supports; a retractable locking means; and pull means

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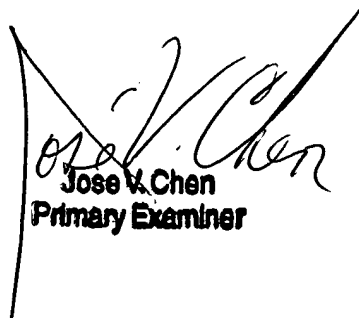
and retractable locking means substantially similar to those described in the applicant's disclosure. Damour (6,321,664) teaches a folding table-tennis table that includes pull means mounted beneath the table top. Reynolds (5,531,493) and Viney (5,865,479 and 6,478,345) teach releasable locking mechanisms comprising a pull rod; a pair of rods extending in opposite directions perpendicular to the pull rod; racks on all three rods; and pinions meshing with those racks. Methven (1,108,873) teaches a strike plate comprising a pair of recesses; one forming a catch for receiving a bolt; the other comprising a wall over which a bolt can slide.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew W. Ing whose telephone number is (571) 272-6536. The examiner can normally be reached on Monday through Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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5/16/06


Jose V. Chen
Primary Examiner